

Exhibit 26



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Transcript of Edward Joseph Brooks, III

Date: January 5, 2023

Case: XR Communications, LLC -v- Amazon.com, Inc., et al.

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Phone: 888-433-3767

Fax: 888-503-3767

Email: transcripts@planetdepos.com

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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January 5, 2023

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1	Q Do you recall anyone else that you talked	11:45:48
2	to at the client regarding prosecution of the	11:45:49
3	Vivato applications?	11:45:52
4	A I do not.	11:45:53
5	Q Apart from Mr. Haycox?	11:45:58
6	A You mentioned you might have had a phone	11:46:05
7	exchange with Chris Ambrose at one time, but,	11:46:08
8	correct, Gary Haycox was my contact.	11:46:11
9	Q I understand from your perspective certain	11:46:22
10	invoices were not paid, correct?	11:46:29
11	A Correct.	11:46:31
12	Q Apart from that perspective, were you	11:46:36
13	privy to any of the circumstances that were	11:46:40
14	occurring at the client or their strategy or	11:46:44
15	financial circumstances?	11:46:49
16	MR. CONNEELY: Objection. I would caution	11:46:53
17	you, Mr. Brooks, that calls for a yes-or-no answer	11:46:55
18	but not to disclose any attorney-client privileged	11:46:58
19	communications.	11:47:00
20	MR. KOHLHEPP: Object to form.	11:47:04
21	BY THE WITNESS:	11:47:10
22	A No.	11:47:11
23	BY MR. WANG:	11:47:17
24	Q You never filed any notices of express	11:47:19
25	abandonment for any Vivato patent application,	11:47:27

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1	correct?	11:47:30
2	MR. KOHLHEPP: Object to form.	11:47:31
3	BY THE WITNESS:	11:47:33
4	A I do not recall doing so.	11:47:33
5	BY MR. WANG:	11:47:41
6	Q In your July deposition, I will represent	11:47:41
7	to you that you were asked a question: "You were	11:47:43
8	never instructed to abandon any application,	11:47:48
9	fair?"	11:47:51
10	And that you answered: "I do not recall	11:47:51
11	an instruction to abandon an application."	11:47:54
12	Do you recall that?	11:48:01
13	MR. KOHLHEPP: Object to form.	11:48:02
14	MR. CONNEELY: Same objection.	11:48:03
15	BY THE WITNESS:	11:48:05
16	A I think that's the answer I just gave. I	11:48:06
17	do not recall expressly abandoning any	11:48:10
18	applications.	11:48:14
19	BY MR. WANG:	11:48:17
20	Q You do not recall any instruction to	11:48:18
21	abandon an application, correct?	11:48:20
22	A Correct.	11:48:29
23	MR. WANG: Thank you, Mr. Brooks. I have	11:48:30
24	nothing further.	11:48:31
25	THE WITNESS: Thank you.	11:48:35

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1	MS. HARTJES: I just have one quick follow	11:48:42
2	up. Again, this is Counsel for Apple.	11:48:44
3	FURTHER EXAMINATION	11:48:47
4	BY MS. HARTJES:	11:48:47
5	Q You were just asked whether you were ever	11:48:48
6	instructed to abandon any application, correct?	11:48:49
7	A Correct.	11:48:52
8	Q To be clear, though, you did inform Vivato	11:48:52
9	that its patent applications would go abandoned if	11:48:55
10	no response were filed to the pending office	11:48:58
11	actions, correct?	11:49:00
12	MR. WANG: Objection to form,	11:49:00
13	mischaracterizes testimony.	11:49:01
14	MR. CONNEELY: I also object to the form	11:49:02
15	and, also, you don't have the right to waive	11:49:03
16	privilege about what was said to you or what you	11:49:05
17	said to the client.	11:49:07
18	So if you can't answer that question	11:49:09
19	without disclosing attorney-client privileged	11:49:11
20	communication, I'm instructing you not to answer.	11:49:14
21	If you need the question read back, we can do	11:49:16
22	that.	11:49:18
23	THE WITNESS: Please.	11:49:19
24	BY MS. HARTJES:	11:49:20
25	Q Yes. So my question was you did inform	11:49:23

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I, Theresa A. Vorkapic, Certified
Shorthand Reporter No. 084-2589, CSR, RMR, CRR,
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Kane, State of Illinois, the officer before whom
the foregoing deposition was taken, do hereby
certify that the foregoing transcript is a true
and correct record of the testimony given; that
said testimony was taken by me and thereafter
reduced to typewriting under my direction; that
reading and signing was not requested; and that I
am neither counsel for, related to, nor employed
by any of the parties to this case and have no
interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 17th day of
January, 2023.

My commission expires November 6, 2023.



THERESA A. VORKAPIC

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